

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

_____)	
MICHAEL G. MARSH,)	
)	
Plaintiff)	
)	Civil Action No. _____
v.)	
)	
FREDERICK S. LAUTEN)	
)	
Defendant)	
_____)	

NOTICE OF REMOVAL

TO: Christa K. Berry, Clerk of Court
U.S. District Court, District of Maine
Margaret Chase Smith Federal Building & Courthouse
202 Harlow Street
Bangor, ME 04401

Diane Glidden, Clerk of Court
Aroostook Superior Court - Houlton
26 Court Street, Ste 201
Houlton, ME 04730

Michael T. Bigos, Esq., Counsel for Plaintiff
Berman & Simmons, P.A.
P.O. Box 961
Lewiston, ME 04243-0961

NOW COMES, Defendant Frederick S. Lauten. ("the Defendant"), by and through his attorneys, Getman, Schulthess, Steere & Poulin, P.A. and pursuant to 28 U.S.C. § 1332, 1441, and 1446, hereby removes this action, previously pending as Docket No. PORSC-CV-2025-00025 in

the Cumberland County Superior Court, for the State of Maine, to the United States District Court for the District of Maine. In support of this Notice, the Defendant states as follows:

1. Complaint: On January 15, 2025, Plaintiff filed the Complaint in this action against the Defendant. Plaintiff asserts a claim of Negligence and seeks damages for injuries allegedly resulting from an injury the Plaintiff allegedly sustained while both parties were ticketed passengers on an American Airlines flight from Dallas to Boston. *See* Plaintiff's Complaint ("Complaint") ¶ 3 through 8 (Exhibit A).

2. Consent: Frederick S. Lauten. is the only Defendant in this action and therefore consent was not necessary from any other parties.

3. Basis for Jurisdiction in this Court: The basis for jurisdiction in this Court is diversity of citizenship, pursuant to 28 U.S.C. § 1332(a).

A. Citizenship of Plaintiff: Plaintiff is a citizen of the State of Maine. *See* Complaint ¶1.

B. Citizenship of Defendant: Defendant is a citizen of the Commonwealth of Massachusetts. *See* Complaint ¶2. The Defendant is not, and was not at the time this action was filed, a citizen of the State of Maine.

C. Amount in Controversy: From the face of the Complaint, it is readily apparent that the amount in controversy in this action exceeds \$75,000, exclusive of interest and costs. Plaintiff alleges to have suffered serious bodily injury, including "lacerations, painful and permanent physical injury, a complete left bicep tendon rupture and retraction of the left bicep requiring surgery, emotional distress, pain and suffering, loss of enjoyment of life, and past and future medical expenses." *See* Complaint ¶ 6. Such allegations of

personal injury, medical expenses, pain and suffering and mental anguish demonstrate that over \$75,000 in controversy in this matter.

4. Notice Given: In accordance with 28 U.S.C. § 1446(d), the Defendant has provided a copy of the within Notice of Removal, as well as a Notice of Filing of Notice of Removal to Counsel for the Plaintiff. A copy of the within Notice of Removal as well as a Notice of Filing Notice of Removal has been filed with the Cumberland County Superior Court to affect the removal of this action to the United States District Court for the District of Maine as required by 28 U.S.C. § 1446(d). *See* Exhibit D (Notice of Filing).

5. Timeliness: The Defendant was served a Summons with a copy of the Complaint via sheriff's service, at this home in Massachusetts on January 23, 2025 Accordingly, this Notice of Removal is timely filed within the thirty days allotted for removal by 28 U.S.C. § 1446(b).

6. Pleadings and Process: Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and orders previously filed and/or served which are in the Defendant's possession are attached hereto as Exhibits. *See* Exhibit A (Complaint), Exhibit B (Writ of Summons) and Exhibit C (Notice of Filing).

7. Filing Fee: Defendant presents herewith the sum of \$402.00 as the filing fee for this civil case.

WHEREFORE, the Defendant hereby removes this case from the Cumberland County Superior Court, of the State of Maine, to this United States District Court for the District of Maine.

Respectfully submitted,

Frederick Lauten

By his attorneys,

Getman, Schulthess, Steere & Poulin, P.A.

Dated: February 10, 2025

By: /s/ Elizabeth L. Hurley

Elizabeth L. Hurley, Esquire

ME Bar # 005838

1838 Elm Street

Manchester, NH 03104

(603) 634-4300

ehurley@gssp-lawyers.com

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Notice of Removal was sent, via email and US Mail, to Michael T. Bigos, Esquire, counsel for the Plaintiff.

Dated: February 10, 2025

By: /s/ Elizabeth L. Hurley

Elizabeth L. Hurley, Esquire

ME Bar # 005838